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Written statement* submitted by the Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Gross violations of international human rights and humanitarian law in Iraq

1 Introduction

Human Rights Now(HRN), a Tokyo based international NGO, is gravely concerned over the devastating human rights situation in Iraq in 2014. According to UNAMI, a minimum of 35,408 civilian casualties in total (12,282 killed and 23,126 injured) were recorded for 2014.

UNAMI also recorded 790 civilian killed and 1469 were injured in January 2015, including 49 killed and 375 injured in Ramadi and 146 killed and 209 injured in Fallujah.[1]

HRN is gravely concerned about reports of serious violations of international humanitarian and human rights law by the terrorist group Islamic State in Iraq and the Levant (ISIL). Also, we must underscore grave human rights violations by Iraqi Security Forces and affiliated groups.

While the Iraq government bears responsibility for human rights abuses in Iraq, we also note the root causes from serious violations by the Iraqi government, US and its allies during and since the 2003 war.

The lack of rule of law and a culture of impunity have contributed to an endless chain of retaliations in Iraq. Given this devastating situation, we decry the impact the humanitarian crisis is having on the fundamental human rights of Iraq's people.

2. Gross violations of international human rights and humanitarian law

(1) Violation committed by ISIL

ISIL, a self-declared caliphate since mid-2014 with territory stretching from North Syria to Central Iraq, is led by Abu Bakr al-Baghdadi and responsible for the most serious violations of human rights in Iraq.[2] Two United Nations reports detail ISIL's horrific acts of terror, particularly against Christians, Shias, Kurds and other ethnic minorities. In Syria, public executions, punishments, and displays of mutilated bodies are used by ISIL to control civilians.[3]

In Iraq, the UN reported "a staggering array of gross human rights abuses and acts of violence of an increasingly sectarian nature were committed by ISIL," including executions and targeted killings of civilians, abductions, rape and other forms of violence or sexual assault against women and children, forced recruitment of children, ethnic cleansing of religious and ethnic communities, and other crimes against humanity.[4]

(2) Violations committed by Iraq's government and ISF

HRN denounces widespread and systematic human rights violations committed by the Iraq government in 2014.

HRN expressed alarm about indiscriminate civilian attacks in Anbar in early 2014, with estimates of 370 civilian casualties in Ramadi and Fallujah by January 11, 2014.[5]

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[1] http://www.uniraq.org/index.php?option=com_k2&view=item&id=3245:un-casualty-figures-for-january-2015&Itemid=633&lang=en

[2] http://www.theatlantic.com/international/archive/2014/08/the-many-ways-to-map-the-islamic-state/379196/

[3] http://www.un.org/apps/news/story.asp?NewsID=49338#.VNGJBYHXerU

[4] http://www.un.org/apps/news/story.asp?NewsID=48980#.VNGJHYHXerU

[5] "Iraq: Call for an Immediate Stop to Indiscriminate Attacks in Anbar Province That Have Resulted in Civilian Casualties and Thousands of IDPs." *Human Rights Now Global Site*. Human Rights Now, 22 Jan. 2014. Web. 9 Feb.

In response to an alleged anti-government attack on 1 January 2014, the Iraq government deployed Security Forces to Ramadi and Fallujah and conducted indiscriminate attacks by heavy mortar fire in populated residential areas without protective measures for civilians. Despite UN warnings, such attacks continued over month, causing significant civilian deaths and internal displacement.

During the Anbar attack, Iraq Security Forces targeted civilian hospitals such as Fallujah General Hospital, killing doctors, aid workers and the wounded. Such brutal and illegal operations incited a chain of retaliations among affected communities.

Even after ISIL's emergence, the Iraq government targeted Sunni populations systematically. Reports of Iraqi governmental abuse proliferated, furthering Iraq's sectarian divide and unintentionally bolstering ISIL. For example, twenty corpses found in Jorf al-Sakhar showed signs of torture and were identified as part of a group of 35 arrested by government forces in Khezr district three days before.[6] Other reports of abuses by Maliki's regime include a hospital and school bombardment in al-Hawija, military shelling of 19 civilians in Fallujah, use of military warplanes in multiple cities, and significant violence against civilians.[7]

Shia-majority Iraqi forces also reportedly executed over 255 Sunni prisoners in July 2014.[8] Mass executions appeared to be occurring in six towns according to eyewitness interviews, and a foreign media source released a video of piles of dead Sunni prisoners.[9]

(3) Violence against Sunni Muslims

HRN is alarmed by the grave situation of Shiite militiamen supporting Iraqi security forces committing widespread and systematic retaliatory attacks against Sunni populations.

In January 2015, at least 72 unarmed Sunni Muslims in Barwanah, Diyala province, were allegedly killed by such forces.[10]

In February 2015, a moderate Sunni tribal leader, Sheikh Qasim Sweidan Al-Janabi, and associates were allegedly assassinated by Shiite assailants.[11]

These incidents are only the tip of the iceberg. Shiite military attacks, killings and torture, sometimes linked with the ISF, against Sunnis are widespread in Sunni-majority regions.[12]

2015. http://hrn.or.jp/eng/news/2014/01/22/iraq-call-for-an-immediate-stop-to-indiscriminate-attacks-in-anbar-province-that-have-resulted-in-civilian-casualties-and-thousands-of-idps/

[6] Stevenson, Struan. "Iraq Prime Minister Maliki Continues Massacre of Innocent Civilians in His Last Days in Power." *Global Research*. Global Research.ca, 11 Sept. 2014. Web. 9 Feb. 2015. http://www.globalresearch.ca/iraq-prime-minister-maliki-continues-massacre-of-innocent-civilians-in-his-last-days-in-power/5401079

[7] Ibid.

[8] "Iraq: Campaign of Mass Murders of Sunni Prisoners." *News*. Human Rights Watch, 11 July 2014. Web. 9 Feb. 2015. <http://m.hrw.org/news/2014/07/11/iraq-campaign-mass-murders-sunni-prisoners>.

[9] http://www.bbc.com/news/world-middle-east-28274742; Iraq: Campaign of Mass Murders of Sunni Prisoners." *News*. Human Rights Watch, 11 July 2014. Web. 9 Feb. 2015. http://www.hrw.org/news/2014/07/11/iraq-campaign-mass-murders-sunni-prisoners; http://edition.cnn.com/video/data/2.0/video/world/2014/06/28/nr-intvw-damon-iraq.cnn.html

[10] http://www.nytimes.com/2015/01/30/world/middleeast/government-allies-are-said-to-have-killed-dozens-of-sunnis-in-iraq.html?_r=0
http://uk.reuters.com/article/2015/01/29/uk-mideast-crisis-iraq-killings-idUKKBN0L20GC20150129
https://www.facebook.com/video.php?v=10204864822354461

[11] http://news.yahoo.com/iraqi-sunni-tribal-leader-assassinated-baghdad-164829669.html

3 Root Causes of human rights violations

(1) Systematic attacks against Sunnis for decade

Attacks against Sunnis have been practiced systematically since the Iraqi Transitional Government in 2005.

Since Iraq's Anti-Terrorism Law took effect in 2005, many Sunnis, including women, have been maliciously arrested, tortured, and executed when they or their families were identified as terrorists under the law, Article 4 of which provides the death penalty to those who commit or assist others to commit terrorist acts.[13]

Discriminatory abuses of the law's overbroad-reach and executions of Sunni detainees by Iraqi militants under the law's aegis have been documented and criticized by the media and human rights organizations.[14] The former chief of UNAMI's Office of Human rights found the Ministry of Interior responsible for the creation and activities of "death squads" in security forces, which he described as setting up "roadblocks in Baghdad and other areas" to "kidnap ... people" and being "linked with numerous mass executions, at least mass arrests of people who later turned up showing signs of some execution."[15] UNAMI reports that mass detentions, torture and killings of Sunni civilians were most extensive from 2006 to 2008, the responsibility for which falls squarely on government bodies such as the Ministry of Interior.[16]

HRN has written numerous statements and reports on discriminatory attacks against Sunni Muslims from 2003 to 2013, highlighting the structural violence prevalent in the Shia-led government.[17]

(2) The United States also continues to provide impunity to persons responsible for grave war crimes in Iraq, such the torture, rape, killing, and physical and sexual abuse of prisoners at Abu Ghraib.[18] U.S. attacks on Fallujah in April and November 2004 also reportedly included alleged war crimes, such as direct attacks on civilians, use of white phosphorous weapons on civilians, and denied or delayed medical assistance to Fallujah residents.[19]

Coalition forces also reportedly employed inhumane, indiscriminate or toxic weapons in civilian urban areas without any protective measures to minimize harm to civilians.[20]

(3) To date, grave human rights violations have not been properly investigated; responsible parties are not prosecuted or punished; and victims are denied reparations.

Although Iraq's government is deeply involved in serious human rights violations, there has not been any attempt for institutional reform to prevent further violations.

Lack of rule of law and prevailing impunity contribute to a chain of retaliations, discriminatory crimes and attacks against Sunni Muslims.

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[12]https://www.facebook.com/video.php?v=1078751875484505&set=vb.105227643146538 3&type=2&theater

[13]http://www.aljazeera.com/news/middleeast/2013/02/201321936453002 57.html, http://www.bbc.com/news/world-middle-east-20914273

[14] Human Rights Watch: http://www.hrw.org/sites/default/files/reports/iraq0214webwcover.pdf, Amnesty International: http://www.amnesty.org/en/news/iraq-testimonies-point-dozens-revenge-killings-sunni-detainees-2014-06-27

[15] https://www.globalpolicy.org/component/content/article/168/37475.html

[16]http://www.uniraq.org/index.php?option=com_k2&view=item&id=1506:report-on-human-rights-in-iraq-november-december-2005&Itemid=650&lang=en

[17]http://hrn.or.jp/eng/news/tag/Iraq/

[18]Rucke, Katie. "Rights Group Asks Court To Reopen Abu Ghraib Torture Case." *MintPress News*. 20 Mar. 2014. Web. 9 Feb. 2015. <http://www.mintpressnews.com/rights-group-asks-court-to-reopen-abu-ghraib-torture-case/187008/>. http://www.mintpressnews.com/rights-group-asks-court-to-reopen-abu-ghraib-torture-case/187008/

[19] HRN Report, http://hrn.or.jp/eng/activity/Iraq_HRC.pdf

[20]http://www.hrw.org/news/2003/04/01/us-using-cluster-munitions-Iraq

4 Conclusion

Hence, HRN urges

(1) The Iraqi government to:

(a) Immediately take measure to stop extrajudicial killings and unlawful attacks against civilian populations, in particular Sunni people;

(b) Protect civilians during conflict and adhere to international human rights and humanitarian law;

(c) Release all Sunnis detained under the Anti-Terrorism Law without justification;

(d) Conduct transparent investigations into all alleged mass killings, assassinations of unarmed Sunni Muslim and detainees; identify and prosecute all perpetrators as well as those aiding and abetting;

(e) Conduct thorough investigations of past human rights violations and ensure justice and accountability; review all human rights policies since 2003 and conduct institutional reform to prevent further violations;

(f) Ratify the Rome Statue of the International Criminal Court.

(2) The U.S. and its allies to:

(a) Conduct transparent and thorough investigations into any reported war crimes occurring in the 2003 Iraq War and occupation and ensure accountability;

(b) Protect civilians during conflict and adhere to international human rights and humanitarian law.

(3) The international community to

(a) Take all necessary measure to prevent financial or material support of terrorism and the criminal activities of ISIL;

(b) Scrutinize human rights violations in Iraq, especially unlawful attack against Sunni populations and refrain from any material and financial support causing further violations of human rights.

(4) UN Human Rights Council

(a) To appoint a UN special rapporteur on Iraq under agenda item 4.